

REMARKS/ARGUMENTS

Claims 1, 3-6 and 9-11 are now in the application. Claims 1 and 11 are amended.
Claim 2 is canceled. Claims 1 and 11 are independent claims.

Request that Finality be Withdrawn

In applicants' previous response of 6/14/05 to an Office Action, applicants amended independent claim 1 to clarify the meaning of the term "support funds" and "corresponding". The amendment that "said support funds being monetary rewards directly proportional ~~corresponding~~ to said number of votes cast for said artist or artistic work based on a predetermined rate" was merely making explicit what the applicant deemed to be implicit in the terms "support funds" and "corresponding".

As applicant's amendment was merely clarifying and not intended to alter the scope of the claim, it was not the amendment that necessitated the further grounds for rejection, but a clearer understanding of the meaning of the un-amended claim.

As clearly stated in the MPEP 706.07(a) section on Final Rejection, When Proper on Second Action ;

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

As the new grounds for rejection could not have been necessitated by a merely clarifying amendment, the final rejection was not proper. Applicants, therefore, request that the finality of the rejection be withdrawn, the rejections made non-final and the forgoing amendments and following arguments entered.

Claim Rejection under 35 U.S.C. 103(a)

The Office Action rejects claims 1, 4-6 and 9-11 as obvious over Chacker (U.S. Patent 6,578,008) in view of Rasmussen et al. (U.S. Patent 6,343,990).

The Office Action rejects claims 2 and 3 as obvious over Chacker in view of Rasmussen further in view of Feidelson et al. (U.S. Patent 6,345,261).

Chacker discloses an online music business which includes provision for web site visitors to provide feedback concerning artists exhibiting work on the website, particularly the work of the unsigned artists' pool. Part of the feed back is via an interactive investment simulation game in which virtual stock is traded, the stock representing the artists. The winners of the investment simulation game receive prizes. The results of the simulation game may then be used as the basis for selecting musicians to sign up on recording contracts.

As noted by the Office Action in rejecting claim 1, Chacker does not teach charging fees to the supporters or charging a predetermined fee per vote, nor does Chacker explicitly state that his system's support funds could be monetary rewards directly proportional to the number of votes cast.

Rasumussen et al disclose an online system in which visitors pay to access a web site and, in return for the payment, get the right to post one joke, cast one vote, place one complaint and e-mail one joke to a friend.

As noted by the Office Action in rejecting claim 2, Chacker and Rasmussen did not explicitly state distributing dividends to each supporter according to the number of votes cast by said supporter or the number of votes owned by said supporter to a predetermined participation in future revenue generated by said artist.

Fedelson discloses a customer loyalty investment program where members of the public invest in merchants' securities based on products which they consume.

Applicants invention in the embodiments of claims 1 and 2 is a system in which the support that the votes for an artist is indicative of, is pledged with no immediate benefit for the supporter. Similarly, the dividends provided to the supporter provide no immediate reward to the supporter. Indeed, the dividends of applicants claims 1 and 2 provide no reward until the participation in future revenues generated by the artist. This is very distinct from Fedelson's customer loyalty investment program where the members of the public are buying goods, and therefore experiencing an immediate benefit for their payment, in addition to the investment of a rebate in the merchant's security.

To clarify and make explicit this distinction that applicants assert is already implied in claim 1 and 2, applicant has combined all the elements of claim 2 into claim 1, and further amended claim 1 to recite:

said votes being indicative of monetary support pledged to said artist without any immediate benefit for said supporters;

said dividend is indicative of money paid to said artist without any reward to said supporter prior to said participation in future revenues.

The Office Action does not show where Chacker, Rasumussen and Fedelson alone or in combination, disclose a system in which a supporter pledges monetary support for no immediate benefit, in return for participation in future earnings, with no reward prior to the receipt of those future earnings.

The Office Action does not, therefore, show that Chacker, Rasumussen and Fedelson anticipates applicant's amended claim 1.

Applicants request that this rejection be withdrawn and claim 1 be allowed.

As claims 2-6 and 9-10 depend from, and include all the limitations of now allowable claim 1, applicants request that they too be allowed to issue.

Applicants have amended claim 11 to include the limitations of claim 2 and the clarifying limitations added to claim 1 detailed above. Applicants, therefore, request that the rejection be withdrawn and claim 1 allowed.

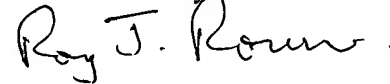
Summary

Therefore in view of the foregoing amendments and remarks, applicants respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1, 2- 6 and 9-11 be allowed at an early date and the patent allowed to issue.

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